

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:07CV8-03-MU

MICHAEL R. WILLIAMS,

Plaintiff,

v.

REGGIE WEISNER; KEITH WHITENER;
MATT CLARK.

Defendants.

ORDER

THIS MATTER comes before the Court on initial review of Plaintiff's Motion for Preliminary Injunction which this Court will construe as a Complaint under 42 U.S.C. § 1983, filed January 16, 2007. (Document No. 1.)

Plaintiff alleges in his Complaint that Defendants have acted with deliberate indifference to Plaintiff by denying Plaintiff a warm cell and/or an extra blanket or thermal underwear. Plaintiff also alleges that he is being denied a winter coat despite being required to exercise outdoors at least two days per week. As a result of the above deprivations, Plaintiff claims that he suffers from serious physical and mental injuries.

After careful review of the in Plaintiff's Complaint and case file, the undersigned finds that the Defendants should file an Answer detailing Plaintiff's allegations and responding to each.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Plaintiff's Motion for a Preliminary Injunction is DENIED. However, the Court will construe Plaintiff's allegations as a Complaint under 42 U.S.C. § 1983.

2. No later than forty (40) days from the filing of this Order, the Defendants file an Answer to Plaintiff's Complaint, detailing all of Plaintiff's allegations and responding to each.
3. The Clerk shall issue summons and deliver it forthwith to the U.S. Marshall who will make service of process without additional cost.

SO ORDERED.

Signed: January 29, 2007



Graham C. Mullen
United States District Judge

